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TERROR IN A PEACEFUL TIME



► The world isn't becoming more dangerous. It just seems like it.

MICHAEL CAPITANO › NEWS EDITOR

IT'S BEEN OVER thirteen years since terrorism made its way into the public consciousness through the 9/11 attacks on the United States. Yet, despite tightened security, increased antipathy towards Muslims, and years of war and torture, the slew of recent terrorist activity makes it seem like the West's attempt to subdue extremist militant behaviour has only served to alter the nature of terrorist activity. Instead of methodical, large-scale attacks, over the past year we've seen a rise in guerilla-like, small-scale attacks using any means necessary.

Just last week: Boko Haram used a 10-year-old girl as a suicide bomber, killing up to 20 people in a crowded Nigerian market and massacred two thousand more; two brothers claiming to work for al-Qaida attacked the Parisian satirical magazine *Charlie Hebdo*, while a third person murdered a

police woman and took hostages in a kosher market.

According to Prime Minister Steven Harper, it's clear that "[t]he international jihadist movement has declared war. They have declared war on anybody who does not think and act exactly as they wish they would think and act."

While this may be true, Harper's statement and others like it, at their base, are rooted in hypocrisy. Colonialism, in and of itself, had the exact same mission and has been largely successful. The fact that we're seeing pushback now is evidence that centuries of anger can no longer be contained. But anti-Muslim sentiment is increasing as well. In Germany, there have been calls for the end to the "Islamization" of the West. With the rise of IS,

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Some Thoughts on Some Thoughts on Charlie Hebdo

THE RECENT TERROR attacks in France have, apparently, opened the floodgates for opinions from both sides of the political spectrum on the values and risks of freedom of speech. Across countries and continents, Twitter trolls and Facebook stalkers alike have begun to self-identify as either a French cartoonist, or not-a-French-cartoonist. I find the whole exercise extremely unnerving given the timing, which is why I'm writing this to present a third option to this debate, though admittedly, one which lacks the *je-ne-sais-quoi* of a trendy hashtag.

Many publications seem to be suggesting that freedom of speech should have some limits when the offence or harm done to individuals so strongly outweighs the validity or purpose of the written or spoken material. The argument is that when an image or statement is inherently hurtful to a particular group, it shouldn't be allowed *only* because freedom of speech exists. Without some additional purpose or validity to the offending material, perhaps it is preferable to not antagonize a population by publishing it. This argument has a lot of validity, especially when we consider that many materials that do offend in such a matter are already banned under the label of "hate speech."

Other publications offer a different point of view, that freedom of speech is an established right which must be rigorously upheld and defended. The view is that this freedom is a fundamental element of democracy, since it allows us to publicly contest opinions we oppose, and promote the opinions for which we stand. The argument of the "jesuischarlie" crowd is, essentially, that an attack on a controversial publication strikes at the most fundamental protections of freedom of speech, the protection of objectionable speech, and cannot be tolerated. The outpouring of support for this perspective likely stems from more general attitudes regarding the importance of liberty and freedom which are pervasive in Western cultures. An attack so directly linked to the destruction of these values can only be expected to result in such an intense pushback.

In reviewing both these arguments, I find them both extremely dissatisfying. In terms of the argument in favour of limiting free speech, my issue is that, if something has not already been labelled as "hate speech," then that means the democratic society in which the material is disseminated has already accepted the validity of the material. Anyone who opposes the material can launch a court



► Photo credit: wallonews.com

challenge and argue that the material is hateful. To stand up and cry out against the unfairness of offensive material the day after a mass murder is simply taking an opportunistic leap to stand on the supposed moral high ground. Anyone truly opposed to freedom of speech legislation can act on their opinion at any time, but specifically choosing to come forward after a terrorist attack feels inappropriate. If this was an important issue yesterday, it will still be important in a week, so perhaps its best to pay the families of the deceased the respect of waiting a few days before launching into a hashtag frenzy.

As for the other faithful hashtaggers, the "jesuischarlie" crowd, I am equally dissatisfied with the idea that freedom of speech is a blanket in which we should all be constantly wrapped. Freedom of speech has been limited before, and there is no reason to believe that it would be purely detrimental to limit it in the future. I can understand the value of showing support for the families of those who were viciously murdered by Islamic radicals, but that support should not be a front for the promotion of a specific view regarding the reach of a civil liberty. It is possible to show solidarity against terrorism without being a crusader for unlimited free speech, and I firmly believe that the message would actually come across better without the context in

which it currently is being disseminated. Saying free speech shouldn't be limited after the brutal murder of an editorial team is almost too easy to be truly impactful. Those who wish to promote an unlimited view of free speech are choosing the easiest possible example to push forward their view. Promoting the viewpoint outside last week's context is a much more difficult task, but one that would likely lead to far more substantial results.

The debate over free speech is not playing out in a courtroom or legislative chamber, but rather, on Facebook walls and Twitter feeds. Yes, it is nice that technology allows us to interact and share opinions on a global scale, but the problem is that too often those opinions can be easily labeled. Informed debate requires acknowledgment and analysis of all the points that contribute to a debate. By camping out under a specific opinion (or hashtag), one inevitably discounts the validity of other opinions. For this reason I would like to offer a third, somewhat-of-a-cop-out, opinion on the debate over free speech: that this isn't the time.

Simply put, whatever end of the free speech spectrum you are on, you should not allow terrorism to

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"In law school, time is meaningless; But in time,
law school is meaningless."
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Hong Kong's Social Awakening

A Post-Modern Approach to Political Reform

SACHIN SETH › CANADIAN LAWYERS FOR INTERNATIONAL HUMAN RIGHTS

THE STREETS OF Hong Kong have been emptier as of late, from Mong Kok to Admiralty. A movement for political reform that initially drew tens of thousands has been largely stifled by police presence and arrests.

"Success isn't necessarily measured in result, but in the collective social awakening, and we've achieved exactly that," says Jason Y. Ng, a University of Toronto law alumnus who moved back to his ancestral home of Hong Kong after working as a securities lawyer in New York.

In October and November of last year, Ng toured universities in both Canada and the US to talk about the movement. He was a regular fixture at these sites, penning the stories of fellow protesters for the *South China Morning Post* and his blog, *As I See It*.

He laments the Western media's ignorance of the largely peaceful protests, attributing it to a lack of "sexy" scenes of violence that make for good TV.

"There was some interest in first week when the term 'umbrella revolution' was coined. The fact that students were peaceful, organized, and polite grabbed headlines. Though in the absence of violence that you would maybe see in Egypt, the coverage has faded."

Another reason could be the potential long-term nature of this movement. The demonstrators are fighting Beijing's restrictive plan for the state's 2017 executive election, which is years away. China plans to restrict nominees to those selected by its leading Communist Party, while protesters want a more open and democratic election.

But Ng believes the implications of these demonstrations are already being seen among a generation of people who are, for the first time, getting angry about their lack of influence in the political system.

"We have a generation of young people who don't only care about video games, karaoke, and grades. They care about politics, which used to be a very uninteresting subject to most of them. Now they are participating in political movements."

In a place like Hong Kong, politics has not historically been at the forefront of young minds.

"Hong Kong has a reputation among Asian countries to be materialistic and selfish. People think the students care only about jobs and money. We're known to be very unneighbourly."

These protests however have revealed a latent side



► Photo credit: Justin Chin/Macleans.ca

of the younger population.

"The goodness is hidden within people, we just haven't had the opportunity to show that. The environment for cultural and social climate in Hong Kong is such that you inhibit your own good intentions. It's a super stressful and super competitive society. At the political site, all that peer competition, the need to show off your wealth, is absent. It removes this oppressive forces within you."

There was some force on display, though. Some violence, mostly in what Ng refers to as the "rough and tumble" neighbourhood of Mong Kok.

Despite the reports, Ng trusts what he's seen in these young people and is convinced the violence was instigated by outsiders.

"These young people are very good in controlling their emotions. Every time they get hit, physically or verbally, they know not to retaliate. They know retaliation would turn into a brawl and give police a reason or convenient excuse to come and disperse the crowd. The moment one student thinks about doing something semi-violent, there will be 5 other students there to stop and talk sense into him."

While it's unclear who the instigators were, Ng has

a few ideas.

"It could be local residents. Another theory is small businesses who have been affected by the movement. It could be hired thugs, which is not unusual in Hong Kong."

Globally, there has been a lack of pressure on China to better the situation in Hong Kong. While Canada and the US have made comments, both have offered only calculated public statements that are protective of their business relationships with the global superpower.

Ng says he's disappointed but understands why major Western trading partners would be unwilling to "stick their neck out for a tiny island."

But the situation at home, Ng says, has to get better. In Hong Kong's Legislative Council, there are seventy seats, only forty of which are democratically elected. The remaining thirty are largely elected by special interest groups and corporations in twenty-eight key constituencies across the state.

For now, Ng says the movement will go on. While democratic reform in the state may be a process that takes several months or years, he remains optimistic that this movement has awakened the next generation of residents in Hong Kong.

"Accountability is not something we have in the political system. But it's something we can have." ♦

"Globally, there has been a lack of pressure on China to better the situation..."

THUMBS DOWN



CBC's protection of celebrity journalists against allegations of conflicts of interest.

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Access to Justice Advocates

The Role of Ontario's Secondary School Students in Advocating for Access to Justice

SABREENA DELHON ›
CANADIAN FORUM ON CIVIL JUSTICE

IN NOVEMBER 2014, the Canadian Forum on Civil Justice launched a new series on the A2J blog titled *Access to Justice Advocates*. The series is a response to recent reports that have underscored the importance of innovation and imagination in the pursuit of access to justice. At CFCJ, we understand that such efforts come down to people--to the diverse advocates working in different and important ways across the access to justice landscape.

The CFCJ had the exciting opportunity to visit these advocates where they work in order to learn more about their unique perspectives on the issue. One of our most recent interviewees, Nat Paul, is a Program Manager at the Ontario Justice Education Network (OJEN) where he has a special interest in helping teachers create effective and

thought-provoking learning experiences for their secondary school students.

OJEN is a public legal education organization which focuses on providing general information for the legal system and making partnerships between individuals in the justice sector and those in the education sector. As a Program Manager, Nat supports high school law teachers in using OJEN services to engage students with the legal system.

During his interview with CFCJ, Nat discussed how people are often unable to see how their everyday problems are legal in nature. He described how OJEN's work with Ontario's educators attempts to narrow the gaps in access to justice by developing programs that battle misconceptions about the justice system among students.

Nat's work with high schools brings to light the importance of shaping the young minds of our province in the pursuit of access to justice. Through high school courses such as law, and even family studies,

students are given the ability to recognize potential legal issues and are encouraged to view the justice system as *their* system--a system they have ownership of, will likely use in the future, and have the opportunity to shape.

Nat Paul is an Ontario Certified Teacher specializing in Inner-City Education and holds a Masters of Arts in sociology and education. He has six years of experience in social justice teaching in secondary, community college, and university classrooms where he has emphasized personal and social transformation through student engagement and empowerment.

To watch the full interview with Nat, check out the A2J Blog this February at www.cfcj-fcjc.org/a2jblog. Would you like to make a submission to the A2J Blog? Do you know an Access to Justice Advocate? Let us know at communications@cfcj-fcjc.org ♦

Green Tip of the Week:

Yum, the York University Market

LIANE LANGSTAFF ›
OSGOODE SUSTAINABILITY COMMITTEE

THE OSGOODE SUSTAINABILITY Committee gets many requests from students asking how to access healthy, local food on campus. In addition to the Osgoode Bistro and its efforts to source at least 25% of its foods locally, YUM or the York University Market is a great resource. From local/ organic vegetables to fresh baked bread and organic sweets, you can do a lot of your grocery shopping right on campus.

Brought to you by York University Food Services and Regeneris@York, the YUM is held every Thursday afternoon from noon to 5 p.m. in the Technology Enhanced Learning (TEL) Building.

Turn over a new leaf for healthy, sustainable eating this term – check out the YUM this Thursday!

What: York University Market (YUM)

Where: Technology Enhanced Learning (TEL) Building

When: Every Thursday, noon to 5 p.m.

See link for details:
<https://www.facebook.com/yorkumarket>

EDITORIAL CORRECTION

In our last issue, dated January 5, 2015, we misattributed the cover story. The piece entitled, "Thirsty for Justice: The Privilege to Pour" was authored by Sophie Chiasson and we offer our apologies for the mistake.

STAFF OPPORTUNITIES

Second semester has begun and it's not too late to join us at the Obiter!

We're always happy to welcome new talent in any form but we are especially on the lookout for the following positions:

Layout Staff

Social Media Coordinator

Editorial Staff

Writers

Those interested are encouraged to get in touch with us at obiterdicta@osgoode.yorku.ca or come join us for our next staff meeting.

THUMBS UP



The SCC decision giving RCMP officers the right to collective bargaining.

Was it Worth it?

A Critical Review of the Effectiveness of CIA Torture

TRACEY LEIGH DOWDESWELL > CONTRIBUTOR

WITH THE RECENT release of the U.S. Senate Select Committee on Intelligence's report on torture committed by the Central Intelligence Agency, there has been a renewed debate on the effectiveness of torture in uncovering actionable intelligence. Torture is depicted as producing useful information previously unknown to the interrogator, and this must then be balanced against the damage done to our democratic values by engaging in an inherently illiberal practice. One common example is the "ticking time-bomb scenario," a thought experiment in which it is imagined that a suspect has direct knowledge of a bomb that will kill in large numbers, and who is reluctant to disclose its location. Torture, it is argued, is a morally justified solution in such a scenario, one that will uncover information about future attacks and save lives. This view has been advanced by such leading American jurists as Alan Dershowitz and Richard Posner. Costanzo and Gerrity describe the torture narrative promoted by Dershowitz as one that reconfigures the torturer as a "principled, heroic figure who reluctantly uses torture to save lives," while the government seeks to portray torture as a regulated, controlled precision process that is only used as a last resort in cases of extremity.

An alternative way to characterize torture is to view it as part of a broader system of social control. The real value of torture lies not in its ability to uncover factually accurate information from recalcitrant individuals, but in its ability to construct an image of our enemies as morally unworthy, as lacking in basic humanity and human motivations, and therefore as outside the scope of morality and justice. Einolf, in his historical review of the use of torture, has found that torture is primarily used against those who are not full members of society, such as racial and ethnic minorities, slaves, and prisoners of war, and that torture is generally only used when the state itself is perceived to be under threat. For example, the use of torture in the Middle Ages against those suspected of heresy and witchcraft was highly successful in supporting this worldview by extracting confessions and convincing those tortured to name other guilty parties; this created an ever-expanding circle of new confessions and new perpetrators to interrogate. Langbein states that torture sustained a belief in the dangers of witchcraft, despite the fact that the falsity of the information produced through torture was widely recognized and commented upon. Similarly, the third century A.D. Roman jurist Ulpian recognized that information obtained under torture was not reliable, even as the practice was extended from slaves to the lower classes in general. In modern times, the Khmer Rouge of Cambodia used torture to provide substantial false evidence of a widespread conspiracy being perpetrated by the (non-existent) Kampuchean Worker's Party. In this view, the real value of torture lies in its ability to reconstruct and reinforce the state's public narrative of the essential goodness of the established social order, and to promote the legitimacy of its brutal suppression of those who would threaten this.

Research in the social sciences supports this view of torture, and several studies have found that the more coercive the interrogation, the *less* accurate and

truthful is the information obtained from detainees. Janeff-Bulman states that torture causes dissociation, leading detainees to become unwilling or unable to cooperate, and decreases the chances that they will be able to provide reliable information. Studies of U.S. POWs who were tortured in the Korean War (1950-1953) found that violent methods of interrogation had been less effective in eliciting information from the soldiers than were non-violent methods. Costanzo and Gerrity review numerous studies that show that coercive interrogation techniques have produced false confessions in a surprisingly large number of cases. The stronger the level of coercion used, the greater the likelihood that false confessions will result; similarly, the longer the interrogation continues, the greater is the probability that any confessions produced will be false. A recent study by Goodman-Delahunty *et al.* of interrogations of high value detainees concluded that the use of coercive tactics, and physical coercion in particular, were negatively correlated with detainee cooperation, the disclosure of information, and the speed of disclosure.

The *Senate Report* concerning the CIA's enhanced interrogation program also supports this second view of torture, and contradicts the thesis that torture provided objectively correct information that prevented further terrorist attacks and saved lives. The *Report* found that the interrogation tactics used by the CIA certainly constituted torture, and in many cases the abuses were much worse than what had been represented to the public. Detainees and their family members were threatened with death or sexual assault. The COBALT facility in Afghanistan was described by its own CIA chief of interrogation as a "dungeon," due to its lack of light, water and toilet facilities, lengthy periods of sleep deprivation, and the practice

of shackling detainees with their hands above their heads for extended periods of time. Of the 119 detainees held by the CIA, twenty-six did not meet the legal criteria for detention, and the CIA's own records provide "insufficient information to justify the detention of many other detainees." In contrast to the heroic representation of interrogators on the front lines of the

War on Terror, the *Report* finds that many of the CIA officers assigned to conduct the interrogations were known to have "histories of violence and records of abusive treatment of others."

The *Report* concludes that the "CIA's use of its enhanced interrogation techniques was not an effective means of acquiring intelligence from detainees," but what is perhaps more important is that the *Report* based this finding largely on the CIA's *own internal assessments* of its interrogations, which themselves concluded that these techniques were not effective in producing accurate intelligence. The *Report* examined a number of cases in which the CIA publicly claimed that its interrogations had prevented a terrorist attack, and concluded that in many cases the information was otherwise available; in others, the threat was found to have been speculative. Of the thirty-nine detainees subjected to enhanced interrogation, seven disclosed no intelligence at all, others were tortured immediately upon being rendered into CIA custody, whereas others were already cooperating with interrogators, but were tortured nonetheless. Therefore, CIA torture was not a controlled or precision program that was used only as a last resort against detainees known to have participated in terror attacks.

The *Report* discusses several cases of

"...these techniques were not effective in producing accurate intelligence."

» see CIA TORTURE, page 12



► Photo of extraordinary rendition, *Democracy Now* (9 January 2013).

The Curves on the Yellow Brick Road

Where can you go once you've committed?

QUINLIN GILBERT-WALTERS › CONTRIBUTOR

I WAS HAVING lunch with some law school friends last semester. We were discussing some of the careers our peers had before coming to law school. I noted that one of our classmates had been a food blogger in her pre-law school life. My friend shouted, "that's my dream job!" Her exclamation made me laugh. What on earth are you doing in law school, I thought, if you really want to be a food blogger? In my naiveté, I thought everyone at law school wanted to be Chief Justice. Are there others at law school who aren't following their passion? What options do students have if law school and being a lawyer isn't for them? Alternatively, if you are committed to law school, but are not set on a type of practice, what options are out there?

The hardest part of law school is getting in, as the saying goes. Currently, it is nearly impossible to flunk your way out of law school. Only 5% of us will get Ds or Fs, and the Fs are not mandatory in marking. Generally, if you study, you will pass. This is contrasted with the welcome given to Osgoode students a generation ago which said "look to your left, look to your right. One of you won't be here by the end." We now, more or less, have the choice of whether we want to complete law school. Dropping out is usually a result of different kinds of pressures now.

My LSAT prep course was taught by a young man who had dropped out of law school after first year. He aced his LSAT and was accepted into most schools

but, once there, he learned that he didn't like the environment. He didn't like the competitiveness or the subject material (needless to say, he didn't go to Osgoode). I appreciated his honesty about leaving law school to pursue an alternative career. He was lucky enough to take a position at his father's consulting firm while he was figuring out what to do next. He appeared happy with his decision. Most of us are not fortunate enough to have something to

"...there are doors that will open that don't even exist yet."



► Keep calm and follow the yellow brick road.

fall back on but if you find yourself truly unhappy, leaving law school to pursue the career you actually want, though drastic, may be the best option.

Recently, I had the opportunity to speak with Osgoode Professor Ed Waitzer about his legal career. Unlike many,

Prof. Waitzer did not initially intend to practice law with his law degree; nor did he want to be a professor, or a politician. For Prof. Waitzer, a former community organizer who started his career without a high school diploma or an undergraduate degree, a law degree was the most effective way to change the world.

Knowing that he had no intention to practice, Prof. Waitzer did not conform to the legal system

as it then was but made his career conform to his vision. During our chat he said, "[there is a] different mindset when you're there because you want to be."

After receiving his LLB from the University of Toronto in 1976, Professor Waitzer articulated for Ian Scott, who went on to become the Attorney General of Ontario. The pair had an agreement that he would not be asked back once the year had finished.

Like his LLB, earning his LLM was another means upon which he could rely on at a later time. Since earning his degrees, Professor Waitzer has worked in several areas such as the Toronto Stock Exchange and the Ontario Securities Commission. Professor Waitzer said that without the LLM he probably wouldn't be a full-time professor now.

During our discussion, Professor Waitzer told me that life rarely happens in a straight line. The degrees he has earned have helped him get where he is now. Those degrees, the same degrees we are working toward now, are more than a license to practice law. A legal education has the added benefit of giving the recipient a different perspective on the world and the skills by which to change it.

Unlike a generation ago, a law degree now costs a small fortune. The benefits of a law degree have also changed and, as ELGC has informed me, jobs are not readily available after graduation. I am writing this article just after having paid the second installment of my tuition which means that, barring any major gaffes, I will be staying around a few more months and probably a couple more years.

This makes models of success like Professor Waitzer so much more important. I don't propose telling your OCI interviewers that you don't want to work at their firm, but it's important to know that there are doors that will open that don't even exist yet. My advice is that, unless you truly don't enjoy what you are doing, you should continue trekking down the yellow brick road and consider designing your own career. After all, life rarely happens in a straight line. ♦



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The *Obiter* goes abroad

No. 5 – Martin Hui in Beijing

MARIE PARK › ARTS & CULTURE EDITOR

OSGOODE HAS AN extensive list of partner schools with formal exchange agreements. Apart from these, there are summer programs, as well as semester exchanges with York University's partner schools. But did you know that you can arrange your own exchange agreement with a non-partner institution? Of course it will take some leg-work, but the individualized and unique experience will be worth all the effort.

This week we travel to Beijing with JD/MBA '14 grad Martin Hui, who arranged a semester abroad with Tsinghua University's School of Law. He was able to do so through approval of a Letter of Permission. Martin's arrangement, as well as his existing interest for continued Osgoode-China involvement, led to talks between the two institutions which are now formalizing an exchange agreement between Osgoode and Tsinghua. The collaboration was made possible by the contributions of Professors Jinyan Li and Francois Tanguay-Renaud.

Osgoode students have a history of interest in exploring China. For instance, the Teach in China Program has sent two graduates to teach law at the Southwest University of Political Science and Law in Chongqing, Sichuan every year. The Hong Kong University exchange program has been an annual popular success among students, and now the Tsinghua exchange program is sure to appeal to many more students in the coming years.

For Martin, China was a top choice for a number of reasons. Firstly, his Chinese heritage gave him the desire to experience his parents' motherland. In previous years, though he had visited China, his stays had never been long enough to truly be able to learn about his home country through immersive living. He comments that in Canada and the West, the realities of living in China are known only by second-hand information, and much of it remains a black box for most. However, as a rising economic superpower, the significance of seeing the true China has never been greater. This was exactly Martin's biggest reason to go to China – to *know* the country, because if you're not physically there, it is very hard to *really* know it.

Martin's semester consisted of five classes on topics such as Chinese Constitutional law, intellectual property, civil Chinese society, and investment arbitration – but the range of available courses is wide, with lots of options. The benefit of taking these kinds of courses abroad in China was that they were taught in the Chinese context and aimed at dealing with Chinese clients; a very helpful perspective for those who wish to work with a largely Chinese demographic as a legal professional. As well, Mandarin language courses are offered, a prime opportunity to intensively learn and practice this widely-spoken tongue.

Apart from the academics, Martin recalls that some of his most memorable moments in China were while travelling through northern China and inner Mongolia. Seeing the natural beauty of the country was a true gift, especially in its high contrast to the Canadian outdoors that we are all used to. As well, Martin has family in Guangzhou; being able to visit



► Above and below: The picturesque campus of Tsinghua University's School of Law.

them was another major highlight of the trip. He was also even able to visit the hotel where his grandparents were married, making up the most memorable moment of his months in China.

Not all aspects of a trip to a foreign country are ideal. Martin recalls how food quality and food handling practices were an issue for him throughout his stay; it is unfortunately true that sanitary standards in food service are different in China, and it is especially difficult for foreigners to adjust to such standards. Despite that, Martin recommends that when in China, you obviously cannot skip out on real, authentic dim-sum!

Martin recommends that all students go on an exchange semester, as well as specifically to the new Tsinghua program. Or, like Martin, students can apply to arrange their own special semester with a non-partner institution through a Letter of Permission, perhaps with an institution that has a particular significance or personal connection. There is more information and guidance provided by the staff here at Osgoode, who will be sure to assist you in making it all possible.

Dean Sossin has also blogged about the exciting new exchange agreement with Tsinghua University's School of Law, one of China's leading law schools. He notes that this will not only give lasting learning experiences to the individual students attending the



program, but will also foster both the Canada-China bond, as well as the greater Chinese-Canadian community. And as Dean Sossin puts it, "the future of Osgoode in China looks extraordinarily bright." ♦

THUMBS DOWN



Opening the emergency exit doors on a jet airliner to protest a delayed flight.

A Trio of Film Reviews, Now Available

Tramping through Apocalyptic Wastelands

KENDALL GRANT › STAFF WRITER

Melancholia (2011) 3/4

Tactfully composed, coolly fatalistic, and conspicuously adult, *Melancholia* is a broodingly downbeat self-portrait, a frigid and resonant mood piece with visuals to die for, and an unwieldy, strangely hypnotic ode to human suffering.

Justine (Kirsten Dunst, *Eternal Sunshine of the Spotless Mind*) and Michael (Alexander Skarsgård) are celebrating their marriage at a sumptuous party in the home of her sister (Charlotte Gainsbourg, *Antichrist*) and brother-in-law (Kiefer Sutherland). Meanwhile, an approaching rogue planet, Melancholia, threatens to collide with Earth, pushing the sisters' already strained relationship to its breaking point.

Prominently featuring music from the prelude to Richard Wagner's opera *Tristan and Isolde*, the poetic, referential succession of near-still images in the eight-minute prologue so immaculately distills Melancholia that it makes the two-plus-hours that follow seem regrettably redundant.

Dunst gives a hard-bitten, incomparable performance that runs the colour spectrum of emotions, even if she is playing an attitude rather than a character. She's a fierce savant, a thing of mired grit and serene beauty, fully deserving of the Best Actress Award she received at Cannes. Alongside Gainsbourg's Claire, the actresses' work intertwines beautifully, like twin climbing vines vying for the attention of the sun.

Nutty Danish provocateur Lars von Trier (*Dancer in the Dark*, *Dogville*) once again demonstrates a mastery of classical technique, extracting strong performances from his cast while serving up a sturdy blend of jaw-dropping visual effects and fly-on-the-wall naturalism. Working with a new cinematographer, Manuel Alberto Claro, von Trier produces digitally painted heavenly vistas. Yet *Melancholia* represents the director's ultimate wish-fulfillment fantasy, von Trier at his best and worst. His latest fable is nothing without its blaze of majesty. Rooted in his frustrating, provoking style, it feels as if it's something from another world, lying behind an impenetrable pane of glass.

As a window into a mournful state of mind, *Melancholia* provides the gentlest depiction of destruction in years. With a nod to Tarkovsky's *Solaris*, *Melancholia* hovers in ambiguity with riveting aesthetic prowess, and it is lent an exciting frisson by the authenticity of an actress and filmmaker with first-hand experience of psychological trauma. Von Trier illustriously particularizes the disintegration of females stuck in an interminable, patriarchal vortex.

The vision is as hateful as it is hate-filled, but the fusion of form and content is so exact that it borders on the sublime. *Melancholia* floats in an air of supernatural malaise and millennial angst, a melancholy mirrored in everything and everyone, spinning its

themes into a blast of cosmic sparkle dust. Its true subject is melancholia as a spiritual state, a destroyer of happiness that emerges from its hiding place. Bedazzlement acts as depression's surprising byproduct, with its little moments annihilating us day by day.

Magnetically beautiful and glacially slow in tempo, like a newborn planet, *Melancholia* is a seductive, sobering, and surreal descent into dystopia. A strange mix of apocalyptic sci-fi and darkly comic social drama – a remote funereal dirge spiraling in its own orbit – it may be the perfect match for *The Tree of Life* on a bipolar double bill. Stay to the end for the grand

planet-busting, when the tragic magic of the opening scenes is reasserted.

Leave it to von Trier to conceive

an intergalactic sci-fi metaphor for a psychological disorder – and then nearly pull it off. Likely to exasperate as often as it moves, to annoy as many viewers as it captivates, *Melancholia* is an intense, exhausting experience, trailing a dizzying glow of aesthetic satisfaction. The unconverted will remain unconvinced, but the curious may uncover buried treasure. Proceed with caution, but proceed nonetheless.

"...Melancholia is a seductive, sobering, and surreal descent into dystopia."

The Road (2009) 2.5/4

With palm-sweating intensity, oppressively tedious, and horribly credible, *The Road* is a lugubrious trek through post-apocalyptic debris; a chillingly effective, savagely beautiful vision of the world's end; and a heart-rending, gut-wrenching study of parenthood. Implacable and unyielding, it's a cautionary, cryptic allegory about the indomitable hope for survival, even in the face of unfathomable horror.

An unnamed father and his young son journey across a desolate landscape, some years after an unspecified cataclysm has destroyed most life on Earth. The land is filled with ash and devoid of living animals and vegetation. Many of the remaining human survivors have resorted to cannibalism, scavenging the detritus of city and country alike for flesh. The duo search for supplies as they travel south to the coast. The man is armed with a revolver carrying two rounds. Fleeing from companions, abandoning possessions, evading roving bands, rummaging, robbing thieves, the man and the boy are forced beyond the brink of civilization.

Australian director John Hillcoat (*The Proposition*) gives the end of the world an unnerving solidity by focusing on the drab details of survival and linking his characters to the hellish aspects of modern American life. A stealth talent of many shadings, Viggo Mortensen (*A History of Violence*, *Eastern Promises*) has a way of slipping into any period or milieu. Through the artistry of Mortensen and Kodi Smit-McPhee, Hillcoat captures the essence of the bond between father and son and carries the fire of our shared humanity.

Hillcoat carves almost verbatim from Cormac McCarthy's novel, sculpting its tale of despair and



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Jurisfoodence: In Search of Toronto's Best Brunch

Food Adventure #8: The Drake

KATE HENLEY & KAROLINA WISNIEWSKI ›
STAFF WRITER & EDITOR-IN-CHIEF

The Drake 1150 Queen St. West

KATE: As I'm sure you all know, in September *Vogue* named Toronto's West Queen West neighbourhood the second hippest *in the world*. Without questioning how the publication came to this conclusion, we would be remiss if we did not hit up The Drake for our next brunch (mis)adventure, as it is arguably the hippest boutique hotel / performance venue / restaurant / store in the second hippest neighbourhood in the world.

KAROLINA: I don't know how to express my ambivalence regarding WQW in anything other than the most clichéd statements. Sensitive to the fact that many of my observations in these columns seem to transmute into a rant about hipster culture, I'll spare any in-depth discussion of my feelings regarding the whole matter. Suffice it to say that, whatever their shortcomings, WQW generally, and the Drake specifically, are lynchpins in the Toronto brunch scene.

Brunch Hours

The Drake serves brunch 9am-4pm on Saturday and Sunday; it also does a breakfast from 7:30am-9am on weekdays.

Wait Time/Service

KATE: Though we thought we would regret it instantly, we decided to meet at noon on a Saturday, when we assumed that the Drake would be at its busiest. Shockingly, my brunch companion and I were seated almost immediately, despite the fact that Karolina and her companion weren't there yet. I was pleasantly surprised by the level of service we received: though it was, at best, slightly above average, I was expecting the same bored indifference I had received at previous hipster venues, like Aunties and Uncles. Our server was, if anything, almost too nice? She was very into the fact that we write a food review, and seemed to think it was way more legit than it actually is.

KAROLINA: Our server was very nice in an obligatory sort of way. But she did her job politely and efficiently, so I suppose we shouldn't be too picky.

Atmosphere

KATE: We were seated in the café side, right next to the window. I was very excited about this because I live in a basement apartment so warm sun shining down on me is a rare event. However, throughout our meal I grew exceedingly hot and uncomfortable. Ironically, the only other time I've eaten at The Drake was for dinner; we were seated in the main dining room and there was such a strong draft that I spent the meal freezing my ass off. So I guess my complaint is that they need to work on temperature control... The décor in the main dining room is definitely more appealing, but I actually like the café better for brunch – way more relaxing, and I really



► Without causing food poisoning, the Cinnamon French Toast and Smoked Salmon Benny earned high praises.

like the bike frame-chandelier thing they have going on.

KAROLINA: I think the Drake Café offers a significant departure from the quintessential Drake experience. It was cramped in a cozy sort of way, and felt homey. It has its own atmosphere and ambiance, which are, I think, more casual and easy-going than the Drake proper.

Coffee

KATE: Such good coffee! In big cups!

KAROLINA: The coffee was indeed really good, and I also appreciate the larger cups they had. The server

wasn't able to make it back for refills very often, but she didn't need to – we all had more than we needed.

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KATE: There was alcohol, but once again we didn't order any...A mimosa was \$9 and a Caesar was \$12. I've had some of their signature cocktails (like the Basil Smash) before, and because the price point is the same, would definitely recommend trying one of them if you're going to splurge.

KAROLINA: I'm so frustrated by drink prices. How can a Caesar cost as much as a meal? When did this

From Pessimism to Optimism

The Past, Present, and Future of the Toronto Raptors on its 20th Anniversary

PART THREE: A TRUE BREATH OF FRESH AIR

KENNETH CHEAK KWAN LAM › STAFF WRITER

AS I WATCHED the 2014 to 2015 edition of the Toronto Raptors secure a convincing 109 to 102 victory in their October 29th season opener at home against the Atlanta Hawks, I couldn't help but feel that the lone-Canadian franchise in the National Basketball Association (NBA) has finally turned a corner.

Over this past summer, like none others that I could remember, we saw the team successfully retain the core of its promising young roster, highlighted by Kyle Lowry re-signing with Toronto to a 4-year contract worth \$48 million. The Raptors were also able to bring back two key supporting cast members, as both Greivis Vasquez (who signed a 2-year contract extension worth \$13 million a day before the free agency window officially opened) and Patrick Patterson (who earlier agreed to a 3-year contract extension worth \$18 million) also chose to re-up with the franchise after joining the team midway through the 2013 to 2014 season in the Rudy Gay trade with the Sacramento Kings. For the long-suffering Toronto Raptors fans, what is even more satisfying is that these players made a choice to stay with the franchise!

The fact that Lowry, Vasquez, and Patterson all chose to return to the team on multi-year contracts when they could well have inked deals with American-based franchises as unrestricted free agents is what truly separates the current Toronto Raptors from its past counterparts from a cultural standpoint. Lowry, Vasquez, and Patterson wanted to be here! They did not re-sign with the franchise for the money as they arguably could have gotten a richer (and possibly longer) contract had they bolted to other rival teams. They came back because they love the fans in this city (as evident by the overwhelming support in Maple Leaf Square--also known as Jurassic Park when the Toronto Raptors are in action--during the franchise's hard-fought 7-game series against the highly-experienced Brooklyn Nets, which was anchored by Future Hall-of-Famers Kevin Garnett and Paul Pierce as well as former All-Star Deron Williams--in the 1st-round of the 2014 NBA Playoffs). They came back because they believe in their

teammates. They came back because they believe in management, especially the vision of our present GM, Masai Ujiri (who made his mark for the Raptors by somehow managing to ship the much marginalized Power Forward/Center Andrea Bargnani to the New York Knicks for Steve Novak, Marcus Camby, Quentin Richardson, and 3 draft picks--including a 2016 1st rounder). Indeed, upon inking his 4-year contract with the Raptors, Lowry expressed that "Toronto is just the right place for me." Vasquez was even more emotional and emphatic, saying this past summer that "it would be heartbreaking if [he does not] come back" and that he is "really committed to the team, to the city, to this franchise" because

"...they can be a force to be reckoned with for years to come."



► Unity trumps individualism: The new source of power for the Toronto Raptors. Photo credit: raptorsrapture.com

"Toronto really changed [his] life."

It may have taken two decades, but we have just witnessed a fundamental cultural shift in the perception of how NBA players perceive Toronto. No longer are the Raptors sacked with the label of being an expansion franchise. No longer are players here because they were drafted by the team and thus have no choice but to play through their entry-level rookie contract for Toronto before departing because the Raptors own their NBA rights. No longer are players trying to force a trade (by either putting in sub-par effort and/or making it abundantly clear that they would leave as soon as they become an unrestricted free agent). No longer are players counting down the days to unrestricted free agency so that they can sign with a U.S.-based team the minute they can do so. In sum: No longer is Toronto

seen as an undesirable place to play because NBA players genuinely want to be here and made a choice to be here!

Historically speaking, the NBA is a league defined by superstars. Yet, in the rarest of circumstances, a franchise that is defined by well-balanced talents who truly function like a single-minded entity (think of The Borg from *Star Trek: The Next Generation*) can win, and win it all. Case in point, the Detroit Pistons won the NBA title in 2004 despite having no superstar (or Big 3) on its roster. Instead, the team featured 5 very good starters: Chauncey Billups (at Point Guard), Richard Hamilton (at Shooting Guard), Tayshaun Prince (at Small

Forward), Rasheed Wallace (at Power Forward), and Ben Wallace (at Center). All of them knew how to play the game the right way, had high basketball IQ, were unselfish (meaning that they are willing to share the rock to free up the open man), were committed to winning, and were willing to sacrifice their bodies when and if needed (e.g., taking charges from opponents to get to the free throw line).

The current Toronto Raptors has the makeup of this 2004 Detroit Pistons squad as we have Lowry (at Point Guard), DeRozan (at Shooting Guard), Ross (at Small Forward), Johnson (at Power Forward), and Valanciunas (at Center). They trust each other, are confident that they can compete against the best teams in the league, are unselfish, and have tremendous chemistry on the court. In fact, we can make the case that the 2014 to 2015 Toronto Raptors arguably have a higher ceiling than the 2003 to 2004 Detroit Pistons, given that Lowry is more explosive than Billups, DeRozan is more of an offensive force than Hamilton, Ross is more athletic than Prince, Johnson is more composed than Rasheed Wallace, and Valanciunas is a superior shooter compared to Ben Wallace. If the present Toronto Raptors continue to grow and mature, they can be a force to be reckoned with for years to come.

Just how can we know for certain? Should we need assurance, we need to look no further than Las Vegas, which labelled the Toronto Raptors as the favoured team to win the Atlantic Division this season! Enjoy the ride, WE THE NORTH! ♦

Terror

» continued from COVER

the slew of beheadings of Western hostages and splinter attacks, such as the Martin Place siege in Australia and even Canada experiencing a shooting at Parliament Hill, from the looks of it, terrorism isn't going anywhere.

According to Harper: "And we may not like this and wish it would go away, but it is not going to go away. And this is going to be unfortunately the reality of the world that I think we're living in for some time to come, and we're just going to have to face that head on and deal with it."

If what the head of M15 warned is true, Harper seems to be right in that prediction. Word is that Al-Qaeda is planning a Paris-style terrorist atrocity against Britain—a threat of a "mass casualty attack" said Andrew Parker, Director General of the Security Service. While plots continue to be foiled, some, as we've seen, eventually will succeed. It may be possible to intercept messages and get a leg up on plans that require coordination. But the lone wolf, urban-style attacks we have seen have been sloppy and unprofessional (the two brothers in the *Charlie Hebdo* attack apparently got the address wrong at first).

Although usually less effective on a casualty basis, the fear that these attacks instill has everyone and every country looking over their shoulders worried that they'll be next. This fear-mongering and anti-Islamic vitriol is unfortunate. Extremist movements are in no way representative of Muslims as a whole, making it unfortunate how cognitive biases emanate through our societies.

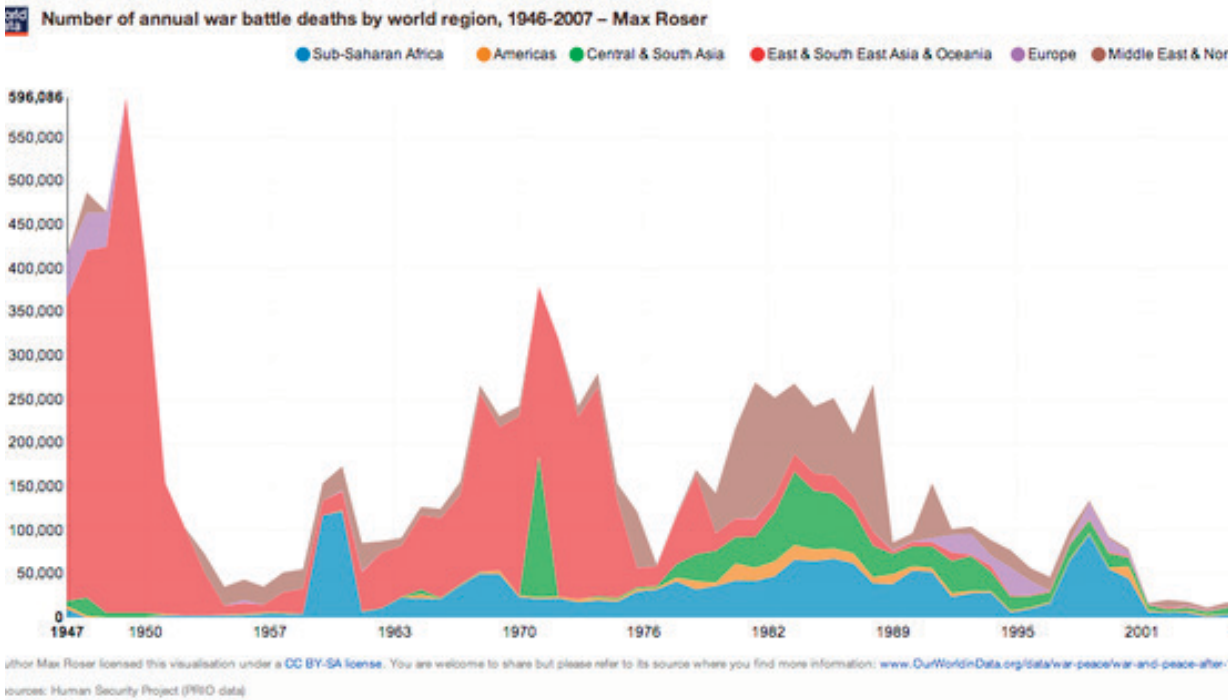
And that is not the only bias or stereotype that finds its way to us, skewing our perceptions on the status of the world. In fact, economist Max Roser, currently working at Oxford, created the website, OurWorldInData.org, to analyze long-term global trends and, by the looks of it, it has never been a better time to be alive.

"We live in a much more peaceful and inclusive world than our ancestors of the past, says Roser. "The news is very much focused on singular events. All of these trends that I'm looking at are slow changes that happen over decades, or sometimes even centuries. These developments never have a 'now' moment that would make them interesting for news that is following current events."

I tend to agree. The 24-hour news cycle, combined with increased coverage of global events and access to information and community discussion, makes danger feel more prescient than it actually is. That's not to say that the current acts of terrorism aren't a threat, but, on a whole, peace is trending upwards.

And we don't have to take his word on it. Just take a look at this one chart: (more can be found at the website listed above)

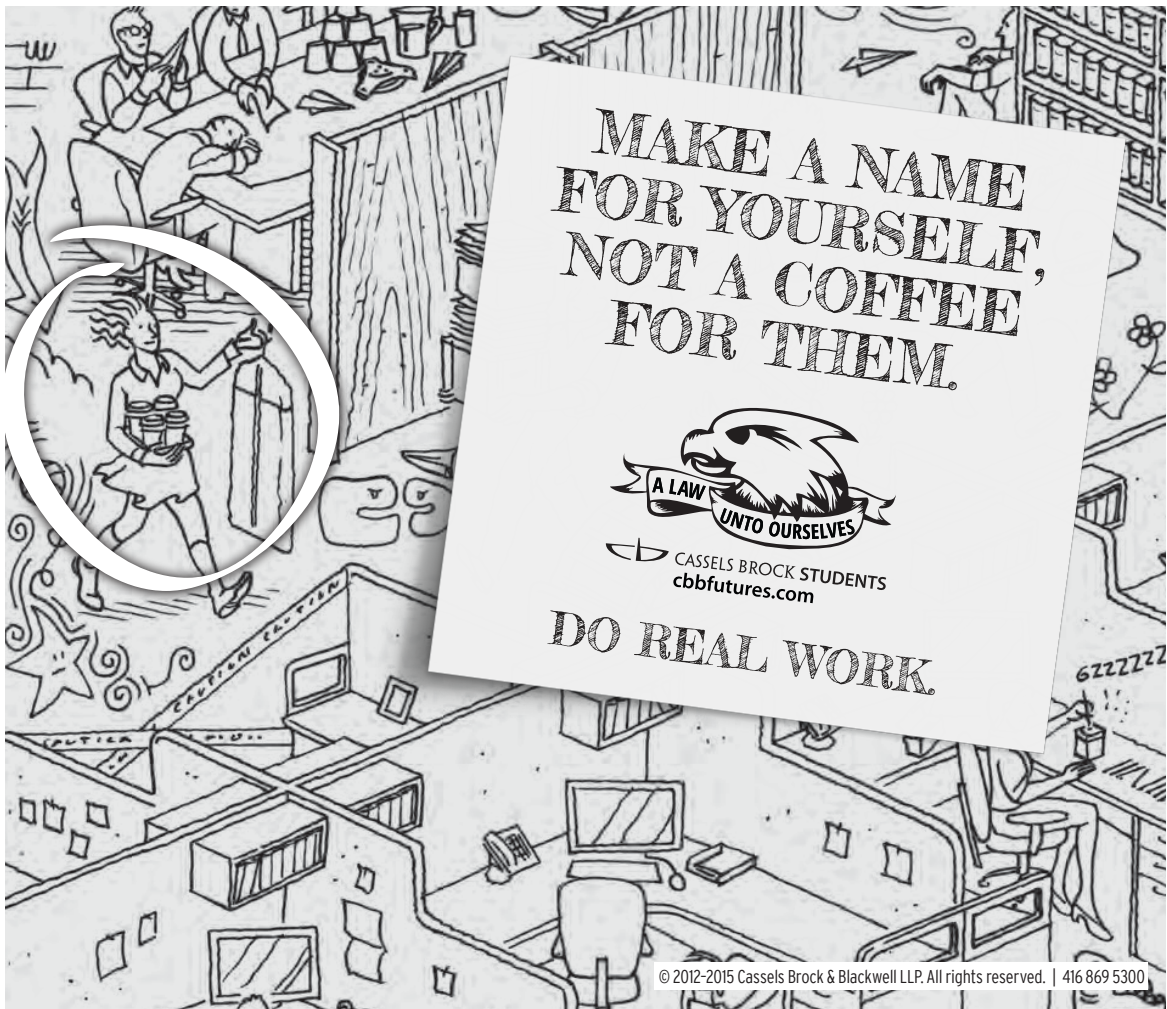
While terrorism is currently a threat, we shouldn't be more fearful now than in the past. We just have to note that even in times of relative peace, there will always be violence. ♦



THUMBS UP



Researchers at McMaster developing a one-time universal flu vaccine.



CIA Torture

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detainees who were subject to extreme abuse, and yet produced no or false information. Muhammad Rahim, despite excessively harsh treatment – including 138.5 hours of continuous sleep deprivation while being shackled upright – provided no intelligence information, and was eventually transferred to military custody at Guantanamo Bay. Arsala Khan was subjected to torture and sleep deprivation sufficient to cause hallucinations and paranoia; he was determined by CIA headquarters to be uninvolved with any terrorist activity and was recommended released to his village “with a cash payment.” Despite this recognition of his innocence, the CIA field officers transferred him to military custody for a further four years. Hanbali was determined by CIA officers themselves to have provided false information in order to reduce the ‘pressure’ on him, and “to give an account that was consistent with what [Hanbali] assessed the questioners wanted to hear.”

One well-known detainee was Khalid Sheikh Mohammad, who was reportedly waterboarded 183 times while in CIA custody, and who subsequently confessed to numerous crimes, including masterminding the September 11 attacks, the 1993 bombing of the World Trade Centre, and the 2002 Bali nightclub bombing. His military trial has been denounced by the former chief prosecutor at Guantanamo Bay, who resigned in protest over a process he described as being tainted by suspect information obtained through torture. Interrogators described Khalid Sheikh Mohammad as being recalcitrant, as providing false information, and as only being able to confirm information that was obtained through the enhanced interrogations of other detainees when it was directly presented to him by interrogators, but they attributed this to his moral failings rather than to the expected effects of the torture itself. Many of the waterboarding sessions were conducted to obtain confirming evidence of a suspected Al-Qaeda plot to recruit and use African-Americans to conduct terror attacks inside the United States. These interrogations produced little in the way of new and valuable information, and instead reconfirmed interrogators’ views of a morally bereft and racialized enemy.

In the above cases, it was the CIA interrogators themselves who concluded that the enhanced interrogations were not effective in eliciting actionable intelligence, or that the detainee provided false information under pressure. The *Report* has also found that the CIA did not adequately evaluate the effectiveness of its interrogation program, and either failed to keep or deliberately destroyed records and information; one official admitted that it would have been impossible to evaluate the program without violating prohibitions against human experimentation – policies that were first put in place after the abuses committed by Nazi physicians during World War II. The Senate Select Committee obtained an internal review of the detainee program prepared at the behest of then-CIA director Leon Panetta that also describes the program as being ineffective, but could not discuss it in its *Report* as the *Panetta Review* remains classified. Mark Mazzetti reports that those who have read the *Panetta Review* describe its criticisms of enhanced interrogations as “scorching,” and confirms that these tactics provided “little intelligence of any value.”

On the other hand, the *Senate Report* found that the program spent over \$300 million dollars in non-personnel costs, including \$81 million dollars in



► Photo credit: nydailynews.com

payments to a private company formed by the two psychologists who had originally designed the program, as well as “millions of dollars in cash payments to foreign government officials” in order to “encourage governments to clandestinely host CIA detention sites, or to increase support for existing sites.” One study by Gronke et al found that Americans’ support for torture has grown since October 2001, and by 2009, a majority of respondents began to favour the use of torture. An opinion poll conducted after the release of the *Senate Report* found that a majority of respondents – by about two to one – thought that CIA torture was justified, and produced actionable intelligence that saved lives. This is despite the fact that CIA director John Brennan admitted upon the release of the *Senate Report* that the relationship between enhanced interrogation and any information subsequently provided by detainees was probably “unknowable”. Surprisingly, while 54% found that the CIA had deliberately misled Congress and the public, similar numbers found that the *Report* was unfair to the CIA, and thought it was wrong to have publicly released the *Report*. In the end, only 20% of respondents thought that torture was never justified, whereas 76% thought that it could be, and might support its future use. Marc Thiessen is likely correct when he states that critics of torture have lost the debate, and that the idea of torture has experienced a signal rehabilitation in the minds of the American public. In this, the CIA torture was remarkably successful. In advancing an ample slush fund to enrich well-connected insiders, it was remarkably successful. In reinforcing among the American public the worldview constructed by the CIA interrogators, and

in progressively dehumanizing a racially-constructed enemy ‘other,’ it was remarkably successful. All of this should help us to advance a decisive answer to the question, “Was it worth it?” ♦

Selected Sources

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For a full list of the sources used in this article, please contact the *Obiter* at obiterdicta@osgoode.yorku.ca.

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Editorial

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dictate when you come forward. Sure, the international press coverage makes things convenient, but I hesitate to think we should be going any further than condemning terrorism after this attack. To use the event as a gateway into the societal debate over free speech is essentially allowing a terrorist to decide when we discuss an important societal issue. Personally, I'd rather we don't base the timing of this important debate on some murderous lunatic's rampage. Now is the time to give our sympathy and support to the families of the deceased, to question and review security policy, and to look into the societal causes for the terrorist acts. It is not the time to promote our own moral superiority or outrage.

Don't get me wrong, I admit that the extent (or limit) of free speech is a societal cause for what happened. I have also seen reference to Western colonial history as a cause for the attacks. However, I would suggest that neither of these links should be grasped too tightly. Looking at the societal causes for terrorism, should the focus not be on what drove the individual to a mental, emotional, and financial position from which he thought an act of terrorism was a positive course of action? Should we not concern ourselves with what is driving individuals to this state, rather than focusing on the reasonableness of

the demands they make once they're there? As for the idea that these acts of terrorism can be explained through history, I would argue that looking at colonial history gives valuable warnings, but should not be used as a vessel for Westerners to apologize for every global event. Writing off terrorist attacks as a result of colonialism does nothing to solve current issues, and takes the lessons of history beyond their value, turning them into a roadmap for all opinions and analysis. Like the larger debate over free speech, history is only one relevant factor in an extremely complex issue.

Though it is always important to be reviewing and improving social policy, it is equally important to vigilantly protect our established rights and freedoms. Balancing between these two societal objectives requires careful thought, analysis and evaluation, and a long-term commitment to progressing democratic values. The aftermath of a brutal and tragic massacre is, in my opinion, simply not the appropriate time to put freedom of speech through the socio-political wringer. When a tragedy like this occurs, I hope we can in the future stick more closely to the things we can all agree on, like that it should never have happened, and should never happen again. ♦

Film reviews

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► Viggo Mortensen as a man in the ravaged landscape of a post-apocalyptic America. Photo credit: 24miles.com

^NORTON ROSE FULBRIGHT

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faith with great delicacy. Courageous and nerve-wracking, it's an honourable adaptation of a piece of pulp fiction disguised as high art. Hillcoat is unafraid to wallow in the filth that surrounds man and boy as they march across the shattered remains of the country. The muted greys and cobalt blues of the scarred sky pervade every shot and the concussive soundscape rumbles like thunder in the distance.

Terse, raw, enervating, and unadorned, *The Road* is a welcome rebuke to happy-face Hollywood apocalypses, which turn mass extinction into farce. On the contrast, *The Road* is a Trojan-horse blockbuster that promises the wham bam of apocalypse, then delivers the quiet pain of human intimacy along its bleak odyssey.

Paling by comparison to *Children of Men*, *The Road* requires extensive emotional endurance, but it's nowhere close to its literary sire, managing to attain only a fraction of its power. It possesses stunning sweep and grim grandeur, but it ultimately plays like a zombie movie with literary pretensions. As dour as *The Road* gets, Hillcoat goes a little soft at the wrong time, quietly shepherding his film towards a faint, fading mirage of hope. Is this the way the world ends – with polite applause? Someone like Michael Haneke (*The White Ribbon*) would have had no trouble embracing the material's uncompromising darkness.

John Milton described hell as "darkness visible." Even after it's over, it continues to linger, to burn inside one's retinas. What has been lost is recognized as infinitely precious and what's left is bitter and our due (overdue?). *The Road* is admirable in its stripped-down drabness, yet in seeking dreariness only up to a point, it misses the opportunity for greatness.

The Turin Horse (2011) 4/4

Pure, forbidding, transfixing, and uncompromising, art-film wizard Béla Tarr bids an apocalyptic farewell

» see FILM REVIEWS, page 14

Film reviews

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► A rural farmer is forced to confront the mortality of his faithful horse. Photo credit: vegafilm.com

THUMBS DOWN



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with *The Turin Horse*. Ripe for metaphorical interpretation, its slender setup, black-and-white photography, and nearly unbearable grimness make for a bit of an ordeal. Still, it's an exceedingly demanding, death-haunted masterpiece for the ages.

Held up as the last grizzled lion of the European modernist tradition, Tarr is an unknown genius. His reputation among critics, directors, and cinephiles rests mainly on two of his nine movies, one of which is the seven-and-a-hour saga *Sátántangó*, about a decrepit agricultural commune invaded by a con man. From that mind now comes, aptly, a film about duration and endurance.

Set in a 19th-century wilderness, *The Turin Horse* is also the logical, and indeed terminal, successor to Robert Bresson's 1966 gloomy classic *Au hasard Balthazar*. It was inspired by an 1889 anecdote involving Friedrich Nietzsche, in which he observed a cart driver mercilessly beating an intractable horse and, weeping, threw himself around its neck.

The stableman and daughter hardly speak: the barbarity of their struggle for survival as they fulfill their daily tasks requires no explanation. The only sound is the incessant howling of the wind, with intermittent interruptions from the thrum of mournful, repeating violins. Yet these ordinary hardships take on cosmic weight.

Tarr is the cinema's greatest crafter of total environments. In Tarr's earlier productions – the nightmarish *Sátántangó* and the magisterial *Werckmeister harmóniák* – the heaviness was punctuated by incursions of the surreal and the grotesque. Next to them, *The Turin Horse* is a pared-down, sinewy parable. In it, Tarr dials up one of his most immersive milieus: the wooden table, the stone walls, the rough floors, the ropes on the horse, and the skin on the boiled potatoes.

Time-stretching, expertly constructed, and painfully elliptical, Tarr's best films are arresting, strange, wrenching, pessimistic, and laced with black humour. Watching each of them is like simultaneously taking an ice-cold shower and visiting the planet's greatest art museum. They are so unyielding that when it is over, you feel both relief and outright awe. Here, in his post-Nietzschean, post-Marxist, post-Christian way, Tarr takes a minuscule incident about the fate of a horse abused in the streets and mutates it into an erudite Genesis story in reverse.

If you've got the stomach for it, *The Turin Horse* is an absolute, distinctive, and intoxicating vision of life at the end of its tether, of a world going inexorably into a final darkness. It's an experience unlike any other, enveloping in a way that conventional movies are not, comparable to starting down the road with an empty sack, then, over the course of the journey, having it weighed down with rocks until you can't go on. But this backbreaking effect is not an artistic failure: it is, on the contrast, exactly what Tarr sets out to achieve.

For more reviews, visit Absurdity & Serenity at absurdity.wordpress.com. ♦

Jurisfoodence

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become ok? As soon as we find a brunch spot that offers reasonably priced drinks, I'll be all over the Caesars. Until then, I'm boycotting on principle.

The Food

KATE: I got the frittata, which had roasted red peppers, onions, and goat cheese in it; it came with a slice of bread and yet another breakfast salad, and I ordered a side of root vegetable hash. Expecting that I would get a slice of a larger frittata, I was surprised when I was given an entire skillet to myself; though this would normally be great, it was so bland that I didn't want to eat more than half of it. The toast and side hash were good, and the breakfast salad was by far the best that I've had so far – it actually had dressing on it! All in all, a very average meal.

My BC is, in Karolina's words, a French Toast connoisseur, so he got the Cinnamon French Toast on raisin bread; it came with bacon and chillies. I can attest to its deliciousness, and his only complaint was that there were only two pieces and he was still hungry once he had finished.

KAROLINA: Alas, my vegetarianism occasionally morphs into pescatarianism. I knew I didn't stand a chance when I saw a smoked salmon benny on the menu. So that's what I went with, and it was amazing. The salmon was smoked, but somehow also cooked. This may betray my culinary ignorance, but I wasn't aware that it was possible to serve smoked salmon that wasn't raw. Anyway, the salmon had a great taste and managed not to overpower the rest of the sandwich. The Hollandaise sauce was absolutely delicious. Hollandaise sauces can be excessively greasy, or just taste like butter, but this one was flavourful and indulgent in just the right measure. The biscuit was also good, but the root vegetable hash was something of a let down. It came in a tiny portion, and although the idea of yam hash sounds great, I found myself craving some good ol' potatoes. The seasoning was also bland and added nothing, I thought.

Since there were no pancakes on the menu to appease him, my brunch companion ordered the friend chicken and waffles and was stricken with a bout of fairly severe food poisoning for the rest of the day. It's troubling that a restaurant of the notoriety and calibre of the Drake would serve such food. It further contributed to the rather lacklustre impression I was left with.

Cost:

KATE'S MEAL: Coffee + Frittata + side of hash = \$22.88 plus tip.

KAROLINA'S MEAL: Coffee + Smoked salmon benny = \$21.57 plus tip.

Final thoughts

KATE: Because the dinner I had at The Drake was incredible, I was expecting to be blown away by their brunch. However, though the experience was, on the whole, a good one, it was pretty average. I would say that it meets the criteria of what I had hoped every brunch experience would achieve. I would go again and get the French Toast.



► A disappointing main course was left upstaged by the accompanying toast and greens.

KAROLINA: I think the Drake falls prey to the Paris phenomenon – an experience so mythologized and touted as “the best ever,” that it somehow manages to disappoint, despite being perfectly pleasant and acceptable. The Drake was indeed slightly less than what I expected, and though I'm lukewarm about the whole experience, I have to say nothing stands out as a significant shortcoming (I'm not the one that was in bed sick all day, mind you). In the end, I feel about the Drake much as I do about WQW in general – I could take it or leave it. ♦


FINAL SCORE

SERVICE: 3/5

ATMOSPHERE: 3/5

FOOD: 3/5

OVERALL:



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